

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDGARDO DIAZ, et al. :

Plaintiffs, : ORDER

-v.- :
18 Civ. 4910 (ALC) (GWG)

NEW YORK PAVING INC., :

Defendant. :
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GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

Plaintiffs' proposed class notice (Docket # 299-1) states that New York Paving (including its agents) is not "permitted" to contact a class member about the lawsuit and that the only people who may contact a class member about the lawsuit are the plaintiffs' law firm.

The Court certainly understands that New York Paving's attorneys may not contact plaintiffs about the lawsuit and may not cause New York Paving to have such contact. Certainly, any coercive contact by New York Paving would be improper and would be the subject of corrective action if it occurred. Additionally, it is likely unwise for New York Paving to have any contact with the class about the lawsuit since it would be carefully scrutinized for implicit coercion. But the plaintiffs' proposed notice suggests that there exists now a bar on New York Paving having any contact with the plaintiff class on the topic of the lawsuit.

Accordingly, the Court directs the parties to provide their views on whether there is any legal authority that now bars New York Paving (as opposed to their attorneys) from having contact with the class about the lawsuit. The parties shall provide their views by letter filed on or before May 16, 2025 (a deadline that the Court will freely extend if it is inconvenient for the parties).

SO ORDERED.

Dated: May 14, 2025
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge